

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

**STEVEN SURLS,
5268 Nicholson Lane, SRG 287
Kensington, Maryland 20895**

Plaintiff,

v.

**LEVIN REAL ESTATE
MANAGEMENT CORP.,
and
BURLINGTON COAT FACTORY
WAREHOUSE CORPORATION,
and
PENSKE TRUCK LEASING CO.,
LIMITED PARTNERSHIP A/K/A
PENSKE TRUCK LEASING CO., LP,**

Defendants.

Case No.: _____

NOTICE OF AND PETITION FOR REMOVAL

Petitioners/Defendant, Burlington Coat Factory Warehouse Corporation (“Burlington”), by counsel, and pursuant to 28 U.S.C. §1441 *et. seq.*, hereby files this Notice of and Petition for Removal of this action, with the consent of Defendants Levin Real Estate Management Corp. (“Levin Real Estate”) and Penske Truck Leasing Co., Limited Partnership a/k/a Penske Truck Leasing Co., LP (“Penske”), from the Circuit Court of Arlington County, in which it is now pending, to the United States District Court for Eastern District of Virginia, Alexandria Division (“Petition”), and in support thereof, respectfully states as follows:

1. Burlington has been named as a defendant in a suit filed in the Circuit Court of Arlington County, Case No.: 21-141. Suit was filed on January 13, 2021.

2. Burlington was served or otherwise provided notice of the Summons and Complaint on February 19, 2021. Therefore, this Notice and Petition is timely pursuant to Title 28 U.S.C. § 1446(b)(1).

3. Copies of the Summons and Complaint, as filed in the Circuit Court of Arlington County, are attached as **Exhibit A**.

4. The above-entitled matter is a civil action in which the Plaintiff alleges Defendants negligence in connection with an incident that occurred on February 11, 2020 in Falls Church, Virginia.

5. Plaintiff's Complaint demands One Million Dollars (\$1,000,000.00).

6. Moreover, upon information and belief, Plaintiff is a current resident of Kensington, Maryland.

7. Upon information and belief, Burlington is a Florida corporation with its principal place of business located in Burlington, New Jersey. See **Exhibit B**.

8. Upon information and belief, Levin Real Estate is a New Jersey corporation with its principal place of business located in North Plainfield, New Jersey. See **Exhibit C**. Levin consents to this removal.

9. Upon information and belief, Penske Truck Leasing Company, LP is a Delaware limited partnership with its principal place of business located in Reading, Pennsylvania. See **Exhibit D**. Penske consents to this removal.

10. As demonstrated above, the above-entitled action is one in which this Court has jurisdiction pursuant to Title 28 U.S.C. §1332(a)(1) as there is complete diversity among the parties. In addition, the amount in controversy exceeds the jurisdictional threshold of \$75,000.00

pursuant to Title 28 U.S.C. § 1332(a). Therefore, Defendants are entitled to remove this action to this Court under Title 28 U.S.C. §1441(b).

11. WHEREFORE, Petitioners/Defendant, Burlington with the consent of Defendants Levin Real Estate and Penske respectfully request that the above-entitled action be removed from the Circuit Court of Arlington County to the United States District Court for the Eastern District of Virginia, Alexandria Division.

Respectfully submitted this 4th day of March 2021.

BURLINGTON COAT FACTORY
WAREHOUSE CORP.

By Counsel

/s/ Joshua M. Hoffman

Joshua M. Hoffman, Esq. (VSB No. 78597)

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 4th day of March 2021 a true and accurate copy of the foregoing was filed with the Clerk of Court using the CM/ECF system, and the foregoing was also served via U.S. mail to the following:

Justin M. Reiner, Esquire
AXELSON, WILLIAMOWSKY, BENDER & FISHMAN, PC
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Rockville, Maryland 20852
Counsel for plaintiff

/s/ Joshua M. Hoffman

Joshua M. Hoffman